

Wetlands Bureau Decision Report

Decisions Taken
02/07/2005 to 02/13/2005

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

2000-00209

SSJ, LLC

NASHUA Unnamed Wetland Cold & Salmon Brooks

Requested Action:

Dredge and fill a total of 66,925 sq. ft. of palustrine forested, scrub-shrub, wet meadow, emergent and perennial riverine wetlands at thirteen (13) locations, associated with the construction of a roadway system and storm water detention facility to service a 229 lot residential subdivision on a 215 acre parcel of land of which approximately 100 acres will be dedicated as open space.

Conservation Commission/Staff Comments:

The Nashua Conservation Commission has reviewed this project in detail and is not opposed. The Commission did not send a representative to the public hearing.

APPROVE AMENDMENT:

Dredge and fill a total of 66,925 sq. ft. of palustrine forested, scrub-shrub, wet meadow, emergent and perennial riverine wetlands at thirteen (13) locations, associated with the construction of a roadway system and storm water detention facility to service a 229 lot residential subdivision on a 215 acre parcel of land of which approximately 100 acres will be dedicated as open space.

With Conditions:

1. All work shall be in accordance with plans by Hayner/Swanson, Inc. dated 6 August, 1999 as revised 15 August 2000, as received by the Department on August 21, 2000 and the project narrative and scope-of-work prepared by Wetland Consulting Services with the application received January 28, 2000, together with Supplemental Information provided by Wetland Consulting Services dated Aug.18, 2000 and Oct.1, 2000 as received Aug.21, 2000 and Oct.5, 2000 respectively.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for other construction activities.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
7. Proper headwalls shall be installed.
8. Culvert outlets shall be properly rip rapped.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
10. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
13. Work shall be done during low flow.
14. The permittee shall have a qualified environmental consultant provide the DES Wetlands Bureau with annual reports documenting wetland impact areas and the construction of the storm water treatment facility during the 5-year period covered by the permit.

RESOURCE PRESERVATION:

1. This permit is contingent upon the execution of a deed covenant on 100 acres of dedicated open space as depicted on plans received August 21, 2000.
2. The deed covenant that may be placed on the preservation (dedicated open space) areas shall be written to run with the land, and

both existing and future property owners shall be subject to this covenant.

3. Draft deed covenant language together with a legal description of the 100 acres of dedicated open space shall be submitted to the Wetlands Bureau and the Nashua Conservation Commission for review and approval.

4. The plan noting the 100 acres of dedicated open space with a copy of the deed covenant language and legal description of the dedicated open space shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the Hillsborough County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau.

5. The permittee shall prepare a report summarizing existing conditions within the 100 acre dedicated open space. Said report shall contain photographic documentation of the open space area, and shall be submitted to the DES and the Nashua Conservation Commission prior to construction to serve as a baseline for future monitoring of the open space area.

6. The 100 acre dedicated open space area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.

7. Signs to indicate the location of and restrictions on the area shall be posted every 150 feet along the boundary of the dedicated open space area prior to construction.

8. There shall be no removal of the existing vegetative undergrowth within the open space area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.

9. Activities in contravention of this deed covenant on the 100 acre dedicated open space area shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This is a major impact project per Rule Wt 303.02(c)&(f).

2. A portion of this project is located in or adjacent to designated prime wetlands as set forth under RSA 482-A:15.

3. A public hearing on the application and on the prime wetlands was held July 26, 2000.

4. All questions and issues raised at the public hearing have been addressed by the applicant or their representatives.

5. In response to issues raised at the public hearing, DES Wetlands Bureau staff generated watershed maps for the project environs, overlaid with locations of other approved wetlands permits, in an attempt to characterize the cumulative wetlands impacts for the watershed.

6. Review of the watershed maps provided a finding of no significant adverse environmental impact of this project, relative to surface water quality, based on the information available.

7. This project meets the requirements for avoidance and minimization of impacts to wetlands as set forth in Rule Wt 302.03.

8. The applicant has demonstrated compliance with the requirements for application evaluation set forth in Rule Wt 302.04.

9. Project specific conditions numbers 14, 15, 16 & 17 have been met and are hereby deleted from the permit to allow for the development of lots 2772 through 2775 (4 lots) based on report submitted by Wetland Consulting Services dated May 10, 2004 which addresses the concerns regarding vernal pool species activity on the four aforementioned lots.

2004-00563

SOLITUDE RIDGE, MIKE CARTER

BRADFORD Unnamed Wetland

Requested Action:

Dredge and fill 22,283 square feet of palustrine forested wetlands, permanently retain 9,480 square feet of impacts to palustrine forested wetlands and a perennial stream associated with forestry practices, and retain 4,805 square feet of after-the-fact impacts to palustrine forested wetlands and a perennial stream to provide access to a subdivision known as Solitude Ridge and provide access for one driveway crossing to Lot 9. A donation to the Town of Bradford Conservation Commission from the applicant totaling \$31,328 will be provided as compensatory mitigation for the project.

Conservation Commission/Staff Comments:

On April 29, 2004, the conservation commission requested additional time to submit comments.

On November 25, 2004, the conservation commission expressed concerns with the initial proposal for mitigation, and requested complete restoration.

The final mitigation proposal was agreed to by the conservation commission, though acceptance does not involve endorsement of the project.

Inspection Date: 06/16/2004 by Jeffrey D Blecharczyk

APPROVE PERMIT:

Dredge and fill 22,283 square feet of palustrine forested wetlands, permanently retain 9,480 square feet of impacts to palustrine forested wetlands and a perennial stream associated with forestry practices, and retain 4,805 square feet of after-the-fact impacts to palustrine forested wetlands and a perennial stream to provide access to a subdivision known as Solitude Ridge and provide access for one driveway crossing to Lot 9. A donation to the Town of Bradford Conservation Commission from the applicant totaling \$31,328 will be provided as compensatory mitigation for the project.

With Conditions:

1. All work shall be in accordance with roadway profile plans by Souhegan Valley Engineering, Inc., sheet 3, dated November 15, 2003, sheet 4, dated August 12, 2003, sheet 5, dated November 28, 2003 as received by the Department on April 9, 2004 and grading and drainage plan sheet 1, revised November 11, 2004, and sheet 2, revised August 5, 2004, as received by the Department on December 2, 2004, and the as-built street plan for access off West Road by Thomas Dombroski, dated December 4, 2003, as received by the Department on December 2, 2004.
2. This permit is contingent on the deposit of \$31,328 to the Town of Bradford Conservation Commission as a form of compensatory mitigation for impacts to jurisdiction wetlands.
3. The deposit of \$31,328 shall be in accordance with written correspondence from the Bradford Conservation Commission, dated January 18, 2005, as received by the Department on January 19, 2005, and a letter dated January 19, 2005, from the applicant, Michael Carter, as received by the Department on January 21, 2005.
4. Prior to the start of construction provide the DES Wetlands Bureau with a copy of the deposit slip documenting the transfer of funds to the Town of Bradford Conservation Commission.
5. This permit is contingent on approval by the DES Site Specific Program.
6. This permit is contingent on approval by the DES Subsurface Systems Bureau.
7. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
8. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
9. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #8 of this approval.
10. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
11. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
12. Work shall be done during low flow.
13. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
14. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This project will permanently impact 36,568 sq ft of jurisdictional wetlands and is therefore a major impact project per Administrative Rule Wt 303.02(c), alteration of nontidal wetlands in excess of 20,000 sq ft in the aggregate.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

5. DES Staff conducted a field inspection of the proposed project on July 9, 2003. The purpose of the field inspection was to determine compliance with an Administrative Order related to forestry practices. DES determined the site was in compliance.
5. DES Staff conducted a field inspection of the proposed project on June 16, 2004. Field inspection determined additional work in wetlands conducted since last site visit on July 9, 2003. All work areas were stabilized with either mulch, grass and/or silt fence.
6. The project will impact 36,568 sq ft of jurisdiction wetlands and therefore requires compensatory mitigation.
7. The applicant has proposed an in-lieu fee as mitigation for the proposed impacts.
8. The Town of Bradford Conservation Commission has agreed, in a letter dated January 18, 2005, to accept the in-lieu fee as compensatory mitigation.
9. A portion of the project impacts will be located within the 20-foot setback to the abutter of Lot 28, on Tax Map 5.
10. The abutter of Lot 28 submitted a letter to the Department on August 20, 2004, which stated they have no objection to the work within 20 feet of the property line.
11. The Department has determined the project as designed will have minimal impacts to the environment.
12. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of these wetland ecosystems.

2004-01586 HORIZON LAND DEVELOPMENT LLC, DAVID FRASER, PRES
AMHERST Unnamed Wetland

Requested Action:

Dredge and fill a total of 3,292 sq. ft. of wetlands for two road crossings for a condominium development including: a free span bridge crossing of Joe English Brook involving 752 sq. ft. (160 linear ft.) of bank impact for abutments; and 2,540 sq. ft. (420 linear ft.) of impact to install a 36" x 110' culvert in a perennial stream.

Conservation Commission/Staff Comments:

Did not report.

Inspection Date: 08/24/2004 by Dori A Wiggin

APPROVE PERMIT:

Dredge and fill a total of 3,292 sq. ft. of wetlands for two road crossings for a condominium development including: a freespan bridge crossing of Joe English Brook involving 752 sq. ft. (160 linear ft.) of bank impact for abutments; and 2,540 sq. ft. (420 linear ft.) of impact to install a 36" x 110' culvert in a perennial stream.

With Conditions:

1. All work shall be in accordance with plans by TF Moran, Inc., entitled "Condominium Site Plan, the Woodlands at Amherst", sheet 12 of 64, and sheet 13 of 64; and plan entitled "Plan and Profile Station 0+00-12+00 Summit Drive, The Woodlands at Amherst" sheet 21 of 64, specifically, dated November 12, 2004, as received by the Department on December 23, 2004. Impact area #2 on Sequoia Drive, as depicted on plan sheet entitled "Condominium Site Plan, The Woodlands at Amherst", sheet 19 of 64, has been withdrawn by the applicant for the current phase of the project, and is specifically not approved under this permit.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no creation of trails of any sort in wetlands on the project property without further wetlands permitting for trail construction compliant with requirements for trails per Rule Wt 303.04(y).
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Culvert outlets shall be properly rip rapped.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.

11. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. Plans depicting the detail of any cofferdams to be used shall be submitted to the DES prior to the start of construction for review and approval.
12. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
13. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters. Temporary cofferdams shall be entirely removed immediately following construction.
14. Work shall be done during low flow.
15. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(h), projects which disturb 200 or more linear feet of an intermittent or perennial non-tidal stream channel or banks. For perennial streams the total disturbance shall be calculated by summing the lengths of disturbances to the channel and the banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on 8/24/2004. Field inspection examined the two impact areas approved herein, and determined that the crossings represented necessary impact to access the upland areas of the property, and that the impacts had been minimized to that practicable by proposing installation of a freespan bridge over Joe English Brook, and installation of a culvert in the narrowest point of the perennial stream and wetland associated with the second crossing. Since the date of the field inspection, the project has been redesigned, and the largest impact area has been withdrawn for this phase of the project.
6. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this wetland ecosystem.

MINOR IMPACT PROJECT

2004-02017 TILTON, TOWN OF
TILTON Winnepesaukee River

Requested Action:

Confirm emergency authorization issued August 27, 2004, to impact 2800 square feet of bank along the Winnepesaukee River to replace contaminated soil.

Conservation Commission/Staff Comments:

The Tilton conservation commission did not comment.

CONFIRM EMERGENCY AUTHORIZATION:

Confirm emergency authorization issued August 27, 2004, to impact 2800 square feet of bank along the Winnepesaukee River to replace contaminated soil.

With Conditions:

1. Any future work that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This project is classified as a minor impact project per Rule Wt 303.03(l), projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Wt 303.04(n).
2. The project was necessary to remove contaminated soil.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on August 27, 2004.
4. Review of the monitoring report submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

2004-02289 ROBINSON, DEAN & LINDA
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Construct a 20 ft retaining wall to perch a 280 sq ft sloped beach on 105 ft of frontage on Lake Winnepesaukee, Moultonborough.

Conservation Commission/Staff Comments:

Con Com does not have any objections to proposed project

APPROVE PERMIT:

Construct a 20 ft retaining wall to perch a 280 sq ft sloped beach on 105 ft of frontage on Lake Winnepesaukee, Moultonborough.

With Conditions:

1. All work shall be in accordance with cross sectional plans by as received by the Department on January 31, 2005 and over view plans received by the Department on December 29, 2004.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
5. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of the normal high water line (Elevation 504.32).
6. This permit does not allow for any sand replacement.
7. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
8. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(f), construction of a beach.
2. This is an approval for an after the fact application to maintain a previously constructed beach. This permit will bring the beach into compliance with DES rules and policy.

MINIMUM IMPACT PROJECT

2002-01997 NANCE, MICHAEL & TAMMY
LACONIA Lake Winnepesaukee

Requested Action:

Approve name change to: Steven Whalley, 118 Pendleton Beach Rd., Laconia NH 03246 per request received 2/4/2005.

Conservation Commission/Staff Comments:

Conservation Commission included a letter that stated that they have no objections as long as the structure is an approved structure.

APPROVE NAME CHANGE:

Repair an existing 65' breakwater. Repair/replace an existing attached 9'10"x 36' piling pier with an 8'x 29'6" portion (overall length 65'6") with an attached "U" shaped dock consisting of a 2'9"x 22'11" finger and a 10'8"x 2'2" walkway on 100' of frontage.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated August 15, 2002, as received by the Department on September 9, 2002.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit does not allow for maintenance dredging.
4. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
5. Repairs/replacement shall maintain existing size, location and configuration.
6. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if it later determines that any "existing structures" were not previously permitted or grandfathered in their current configuration.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
8. Existing rocks which have fallen shall be used for breakwater repair. No Additional Rocks.

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Wt 502.03(b).

2004-02111 NAVIAN DEVELOPMENT CO LLC, CHRIS ASAFF
RINDGE Unnamed Wetland

Requested Action:

Dredge and fill 1,400 square feet of palustrine forested wetlands to provide access to one lot of a two lot subdivision

Conservation Commission/Staff Comments:

Conservation Commission does not consider additional fill for access to Lot 54-1 an approvable project.

State subdivision approval #SA2004004996 was issued without the requirement for wetland impacts.

APPROVE PERMIT:

Dredge and fill 1,400 square feet of palustrine forested wetlands to provide access to one lot of a two lot subdivision

With Conditions:

1. All work shall be in accordance with site plan by SVE Associates revised January 26, 2005, as received by the Department on January 28, 2005 and subdivision plan by SVE Associates dated March 25, 2004, as received by the Department on December 29, 2004.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Construction of the proposed free standing building with associated parking on Lot 6-2 is contingent upon the subsequent review and approval by DES of detailed site plans for this lot. No alterations to the wetlands for the crossing may occur until final DES approval.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #5 of this approval.
7. Work shall be done during low flow.
8. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This project provides access to one lot of a two lot subdivision impacting 1,400 sq ft and is therefore a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 sq ft of jurisdictional wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The initial application requested 5,000 sq ft of impacts to provide access to an additional property for potential future development.
6. The conservation commission considered the additional impacts for potential future access not approvable.
7. The applicant submitted revised plans eliminating the additional access road. Final impacts are 1,400 sq ft for one crossing.

2004-02611 BONNETTE, KENNETH
BELMONT Unnamed Wetland

Requested Action:

Dredge and fill 1360 square feet including installation of two 18-inch x 20 foot culverts for access to woodlot.

Conservation Commission/Staff Comments:

The Belmont Conservation Commission did not comment on this application.

APPROVE PERMIT:

Dredge and fill 1360 square feet including installation of two 18-inch x 20 foot culverts for access to woodlot.

With Conditions:

1. All work shall be in accordance with plans by US Department of Agriculture Soil Conservation Service dated August 4, 2004, as received by the Department on September 17, 2004.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will

require a new application and approval by the Bureau.

3. Work shall be done during periods of non-flow.

4. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

5. Proper headwalls shall be constructed within seven days of culvert installation.

6. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), projects involving alteration of less than 3000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Wt 303.02(k).

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

2004-03081 GOLDEN CORRIDOR, LLC, MARK MAYNARD TTEE
HAMPTON Hampton River

Requested Action:

Perform structural repairs, rehabilitation, demolition and reconstruction within the existing footprint of the buildings and decks at this location, including the replacement of deteriorated pilings, beams and other structural components as necessary, resulting in a 490 sq. ft. reduction of the existing footprint.

Conservation Commission/Staff Comments:

"The [Hampton] Conservation Commission does not oppose the granting of a wetlands permit for replacement of pilings under the existing building onsite and the demolition and reconstruction of parts of the building....as long as the footprint after reconstruction is reduced by 490 sq. ft., as per the proposed plan."

APPROVE PERMIT:

Perform structural repairs, rehabilitation, demolition and reconstruction within the existing footprint of the buildings and decks at this location, including the replacement of deteriorated pilings, beams and other structural components, as necessary, resulting in a 490 sq. ft. reduction of the existing footprint.

With Conditions:

1. All work shall be in accordance with plans by Pickering Marine Corporation dated 12/21/04 and David M. White, Architect, dated December 8, 2004 as received by the Department on December 27, 2004.

2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

3. Repairs shall maintain and/or not exceed existing size, location and configuration.

4. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

6. All work on pilings shall be done "in the dry" at low water.

7. DES Coastal Region staff shall be notified in writing prior to commencement of work and upon its completion.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(v): Perform structural repairs, rehabilitation, demolition and reconstruction within the existing footprint of the buildings and decks at this location, including the replacement of deteriorated pilings, beams and other structural components, as necessary, resulting in a 490 sq. ft. reduction of the existing footprint.

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

FORESTRY NOTIFICATION

2004-03046 WKET NOMINEE REALTY TRUST
CHESTER Unnamed Stream

2005-00102 WHITCOMB, GARY
CARROLL Unnamed Stream

COMPLETE NOTIFICATION:
Carroll Tax Map 202, Lot# 28

2005-00182 SUNBORG, SARA
BRISTOL Unnamed Stream

COMPLETE NOTIFICATION:
Bristol Tax Map 210, Lot# 2

2005-00199 WARREN, ROBERT & CATHY
CARROLL Unnamed Stream

COMPLETE NOTIFICATION:
Carroll Tax Map 408, Lot# 14.1, 14.2 & 111.1

2005-00200 DRUMM, TADD
ERROL Unnamed Stream

COMPLETE NOTIFICATION:
Erol Tax map R11, Lot# 17

2005-00201 KNUDSEN, STEVEN & MARY
WOLFEBORO Unnamed Stream

COMPLETE NOTIFICATION:
Wolfeboro Tax Map 14, Lot# 2

2005-00202 WOLFEBORO, TOWN OF
WOLFEBORO Unnamed Stream

COMPLETE NOTIFICATION:
Wolfeboro Tax Map 189, Lot# 8

2005-00203 HEARTWOOD FORESTLAND FUND IV LP, MATTHEW SAMPSON
SUCCESS Unnamed Stream

COMPLETE NOTIFICATION:
Success Tax Map 1613, Lot# 10

2005-00204 JAFFREY, CLARENCE
WALPOLE Unnamed Stream

COMPLETE NOTIFICATION:
Walpole Tax Map 6, Lot# 23 & 24

2005-00205 THERRIEN, WILLIAM & GRACE
WALPOLE Unnamed Stream

COMPLETE NOTIFICATION:
Walpole Tax Map 5, Lot# 44

2005-00206 NEW FORESTRY, LLC, C/O LANDVEST
GOSHEN Unnamed Stream

COMPLETE NOTIFICATION:
Goshen Tax Map 407, Lot# 9 & 10

2005-00207 NEW FORESTRY, LLC, C/O LANDVEST
WASHINGTON Unnamed Stream

COMPLETE NOTIFICATION:
Washington Tax map 1, Lot# 2

2005-00208 RADER, DOUGLAS & EMILY MORGAN
LYNDEBOROUGH Unnamed Stream

COMPLETE NOTIFICATION:
Lyndeboro Tax Map 8 / 9, Lot# 21 / 3

2005-00218 AMBROSE, RONALD & DENISE
SOMERSWORTH Unnamed Stream

COMPLETE NOTIFICATION:
Somersworth Tax Map 30, Lot# 2

2005-00219 HARKNESS, HARVEY & BARBARA
EPSOM Unnamed Stream

COMPLETE NOTIFICATION:
Epsom Tax Map R2, Lot# 53

2005-00220 MATHES, ROGER
PITTSFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Pittsfield Tax Map R35 & R38, Lot# 5 & 9

2005-00221 BRUNAULT, DAVID
COLEBROOK Unnamed Stream

COMPLETE NOTIFICATION:
Colebrook Tax Map R8, Lot# 14

2005-00222 THOMPSON, MARK
STRAFFORD Unnamed Stream

COMPLETE NOTIFICATION:
Strafford Tax Map 10, Lot# 12

2005-00224 KOST, DENNIS & ANNE
BARRINGTON Unnamed Stream

COMPLETE NOTIFICATION:
Barrington Tax Map 267, Lot# 12 & 14

2005-00225 MORENO, CHARLES
STRAFFORD Unnamed Stream

COMPLETE NOTIFICATION:
Strafford Tax Map 15, Lot# 26

2005-00226 HEALY, RICHARD
HANCOCK Unnamed Stream

COMPLETE NOTIFICATION:
Hancock Tax Map R7, Lot# 19

2005-00227 RINES, NANCY
ALTON Unnamed Stream

COMPLETE NOTIFICATION:

Alton Tax Map 6, Lot# 32

2005-00228 SOCIETY FOR THE PROTECTION OF NH FORESTS
BETHLEHEM Unnamed Stream

COMPLETE NOTIFICATION:

Bethlehem Tax Map 402, Lot# 23

2005-00231 DILLION, SCOTT & THOMAS
BERLIN Unnamed Stream

COMPLETE NOTIFICATION:

Berlin Tax Map 407, Lot# 3

2005-00232 MELKONIAN, JENNIFER
HOPKINTON Unnamed Stream

COMPLETE NOTIFICATION:

Hopkinton Tax Map 253, Lot# 23, 24 & 25

2005-00233 DILLION, SCOTT & THOMAS
BERLIN Unnamed Stream

COMPLETE NOTIFICATION:

Berlin Tax Map 410, Lot# 1

2005-00235 DILLON, THOMAS & SCOTT
BERLIN Unnamed Stream

COMPLETE NOTIFICATION:

Milan Tax Map 193, Lot# 83

2005-00236 GARTNER, TERESA
HOLLIS Unnamed Stream

COMPLETE NOTIFICATION:

Hollis Tax Map 4, Lot# 32

2005-00253 DILLON, THOMAS & SCOTT
MILAN Unnamed Stream

COMPLETE NOTIFICATION:

Milan Tax Map 193, Lot# 83

EXPEDITED MINIMUM

2000-00041 CHOW, MICHAEL
WILTON Souhegan River

Requested Action:

Temporarily impact approximately 6200 sq. ft. of river bed to install a new water line from Route 101 to Main Street, Wilton.

APPROVE TIME EXTENSION:

Temporarily impact approximately 6200 sq. ft. of river bed to install a new water line from Route 101 to Main Street, Wilton.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated August 23, 1999, as received by the Department on January 3, 2000.
2. All construction notes on the approved plan shall be strictly adhered to. Any deviation from the approved plan or these notes shall require additional review and approval by the bureau prior to the commencement of work.
3. Work shall not start within the river channel until the flow of the river is within the bounds of the main low flow channel as depicted on the approved plan.
4. All work shall be done in the dry, including stockpiling of temporarily excavated materials, and at no time is any construction equipment to work within the flow of the river.
5. The timing of construction shall be coordinated with the upstream dam operators to insure that sudden discharges do not occur during the length of the proposed work within the river.
6. River bed and bank contours shall be regraded to original contours immediately following completion of work.
7. Dewatering of the work area shall be discharged to sediment basins located in uplands and lined with hay bales or other acceptable sediment trapping liners.
8. Any dredged material that is not used to backfill the excavated trench shall be placed out of the DES Wetlands Bureau jurisdiction.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
10. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. Issuance of DES Wetlands Bureau permit is contingent on review of final erosion control plans that detail stream flow diversion during construction, temporary siltation/erosion control measures, and dewatering measures to be implemented. Such plans shall be stamped by a licensed professional engineer.
13. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
14. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
15. Sandbag cofferdams shall be entirely removed immediately following construction.
16. Written permission shall be obtained from the railroad owner to cross the line under the property prior to commencement of work.

With Findings:

1. This project is classified as minimum impact per Rule Wt 303.04(i).
2. If carried out in accordance with approved plan, plan notes, and permit conditions, this project will result in minimal environmental impact.

3. Condition #16 of the original permit required written permission from the railroad owner prior to the commencement of work.
4. Approval for crossing the railroad was not previously obtained.
5. The Town has recently obtained preliminary approval.
6. This time extension is for 1 year with no provisions for further extensions.

2004-01645 MME REVOC TRUST, MARJORIE ENNIS TTEE
CANTERBURY Unnamed Wetland

Requested Action:

Approve name change to: James and Susan Daigle, 24 Hurricane Rd., Belmont NH 03220 per request received 2/8/2005.

Conservation Commission/Staff Comments:

The Canterbury Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE NAME CHANGE:

Dredge and fill approximately 1,365 square feet of forested wetland for driveway access to two (2) single family residential lots as part of a three (3)-lot subdivision of approximately 12.77 acres.

With Conditions:

1. All work shall be in accordance with the following plans by FWS land Surveying PLLC:
 - a.) The Wetland Crossing Plan dated June 25, 2004 and The Minor Subdivision Plat Plan (Sheet 1 of 1) dated June 28, 2004 as received by the Department on July 19, 2004;
 - b.) The Wetland Crossing Plan dated June 25, 2004 and The Minor Subdivision Plat Plan (Sheet 1 of 2) dated June 28, 2004 with revisions through September 10, 2004 as received by the Department on October 26, 2004.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
6. Work shall be done during low flow conditions.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Wt 502.03(b).

2004-02457 LITTLE QUARRY LLC
ROCHESTER Unnamed Wetland

Requested Action:

Fill 1,600 square feet of forested wetland to access a 23-lot subdivision as phase 1 associated with a multiphase subdivision.

Conservation Commission/Staff Comments:

The Rochester Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Fill 1,600 square feet of forested wetland to access a 23-lot subdivision as phase 1 associated with a multiphase subdivision.

With Conditions:

1. All work shall be in accordance with following plans by Appledore Engineering, Inc. a.) The Grading, Drainage and Erosion Control Plan (Sheet C-2) dated December 14, 2004, as received by the Department on January 26, 2005;
b.) The Wetlands Impact Plans (Sheets 1&2) dated December 9, 2004, as received by the Department on December 29, 2004.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
7. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
8. Work shall be done during low flow conditions.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
10. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of jurisdictional forested wetland.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2004-02809 CANTERBURY, TOWN OF
CANTERBURY Unnamed Wetland

Requested Action:

Fill 2,185 square feet of forested wetland to upgrade Old Gilmanton Road from Class VI to Class V.

Conservation Commission/Staff Comments:

The Canterbury Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Fill 2,185 square feet of forested wetland to upgrade Old Gilmanton Road from Class VI to Class V.

With Conditions:

1. All work shall be in accordance with plans by Blue Moon Environmental, Inc. dated November 8, 2004, as received by the Department on November 18, 2004.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Work shall be done during low flow.
5. Proper headwalls shall be constructed within seven days of culvert installation.
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of jurisdictional forested wetland.
2. The abutters identified as Genella Barton (Tax Map 2 Lot 296) and Joseph Pinard (Tax Map 2 Lot 254) signed letters of consent for the proposed work to occur within 20-feet of their property lines per Wt 304.04.
3. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2005-00042 BUSNACH, MATTHEW
HUDSON Unnamed Wetland

Requested Action:

Temporarily impact a total of 1,063 sq. ft. of wetlands to install a municipal sewer line connection to a six-lot subdivision.

Conservation Commission/Staff Comments:

Con. Com. signed the expedited application.

APPROVE PERMIT:

Temporarily impact a total of 1,063 sq. ft. of wetlands to install a municipal sewer line connection to a six-lot subdivision.

With Conditions:

1. All work shall be in accordance with plans by Hayner Swanson Inc. dated 11/17/04, as received by the Department on 1/7/05.
2. Area shall be regraded to original contours following completion of work. There shall be no impact to the abutting property owners as a result of this project.
3. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
4. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
5. No fill shall be done for lot development.
6. No fill shall take place in Atlantic white cedar swamps.

7. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 sq. ft. of swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. Rule Wt 304.04 (a) with respect to work within 20' of an abutting property line, is waived on the basis that this is a temporary impact to bring in municipal sewer connection to a new subdivision, and is coming in from the only access point from the existing sewer easement.

AGRICULTURE MINIMUM

2004-03003 SWAIN, DAVID & ELAINE
SANBORTON Unnamed Wetland

Requested Action:

Fill 750 square feet for livestock access to lower pasture.

Conservation Commission/Staff Comments:

The Sanbornton Conservation Commission did not comment on this application.

APPROVE PERMIT:

Fill 750 square feet for livestock access to lower pasture.

With Conditions:

1. All work shall be in accordance with plans by Natural Resource Conservation Service dated January 2004, and revised through August 6, 2004, as received by the Department on December 16, 2004.
2. Any change in use to a non-agricultural purpose will require further permitting by the DES Wetlands Bureau.
3. This permit shall be recorded with the county Registry of Deeds office by the permittee.
4. Work shall be done during periods of non-flow.
5. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(u), maintenance or improvement of existing crop or pasture land for continued agricultural use.
2. The project is in accordance with a plan developed to standards of the "Best Management Wetland Practices for Agriculture", N.H. department of agriculture, dated July 16, 1993.
3. That the project is necessary for and/or incidental to a preexisting and ongoing bonafide agricultural operation as defined by RSA 21:34-a;
4. The applicant's county conservation district certified that the plan is limited by those items addressed by the "Best Management Wetlands Practices for Agriculture", N.H. department of agriculture, dated July 16, 1993.
5. The project will cause alteration only to wet meadows except where specifically described in "Best Management Wetlands Practices for Agriculture", N.H. department of agriculture, dated July 16, 1993.
6. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

GOLD DREDGE

2005-00244 DEMAREE, MITCHELL
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
Bath ConCom

2005-00245 HUFF, LAWRENCE
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConCom

2005-00246 TAYLOR III, GERALD
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConCom

2005-00247 FRENETTE, ARTHUR
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConCom

2005-00248 FRENETTE, SHARON
(ALL TOWNS) Unnamed Stream

2005-00249 TAYLOR, JARROD
(ALL TOWNS) Unnamed Stream

2005-00250 FRALICK, WILLIAM
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConCom

LAKES-SEASONAL DOCK NOTIF

2005-00243 LOWE JR FAMILY TRUST, R.B.
RINDGE Pearly Lake

COMPLETE NOTIFICATION:
Rindge Tax Map 9, Lot# 11 Pearly Lake

2005-00251 DESPRES, MATTHEW
RINDGE Contookcock Lake

COMPLETE NOTIFICATION:
Rindge Tax Map 49, Lot 12A Contoocook Lake

SHORELAND VARIANCE / WAIV

2004-00960 FOREST, SHANE
BARNSTEAD Lower Suncook Lake

Requested Action:
Improve the wastewater treatment by removing the existing septic system and install a new and improved septic system, remove existing paved driveway that extends 15 feet away from the reference line to slow stormwater runoff, and expand a nonconforming structure 34.6 ft from the reference line from 631.9 sq ft to 1946 sq ft and increase the ridgeline height to 35 ft.

Conservation Commission/Staff Comments:
possible shoreland violation for tree cutting. replace cabin with new structure.

APPROVE CSPA WAIVER:

Improve the wastewater treatment by removing the existing septic system and install a new and improved septic system, remove existing paved driveway that extends 15 feet away from the reference line to slow stormwater runoff, and expand a nonconforming structure 34.6 ft from the reference line from 631.9 sq ft to 1946 sq ft and increase the ridgeline height to 35 ft.

With Conditions:

1. All work shall be conducted in accordance with plans as received by the department on May 17, 2005.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the recorded waiver is sent to the department.
3. This approval does not allow further primary structure encroachment to protected waters.
4. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
1. 5. Proposed improvements to the property to make the property more nearly conforming shall be completed prior to proposed primary building expansions.
6. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
8. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
9. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. The existing non-conforming residence is located within the 50 ft primary building setback to Suncook Lake and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
3. The applicant has proposed to remove impervious surfaces to decrease stormwater runoff velocity and improve the wastewater treatment by removing the existing septic and replace with a new improved septic system and therefore meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I

**2004-02779 MALLARDS LANDING ASSOCIATION, ROBERT BROWN
BELMONT Lake Winnisquam**

Requested Action:

Improve stormwater treatment on the property by planting native vegetation along the shoreline, install geo-textile siltation fabric behind 19 ft of existing rip-rap to prevent erosion, install gutters to direct roof runoff away from surface waters and increase the ridgeline height 2 ft 6 in from 16 ft to 18 ft 6 in.

APPROVE CSPA WAIVER:

Improve stormwater treatment on the property by planting native vegetation along the shoreline, install geo-textile siltation fabric behind 19 ft of existing rip-rap to prevent erosion, install gutters to direct roof runoff away from surface waters and increase the ridgeline height 2 ft 6 in from 16 ft to 18 ft 6 in.

With Conditions:

1. All work shall be conducted in accordance with plans as received by the department on November 15, 2004 and stormwater management plan received January 7, 2004.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the recorded waiver is sent to the department.
3. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
4. Stormwater management plan shall be implemented prior to the addition's interior completion.
5. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
6. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
7. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
8. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. The existing non-conforming residence is located within the 50 ft primary building setback to Lake Winnisquam and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
3. The applicant has proposed to improve the stormwater treatment by vegetating the shoreline, installing geo-textile fabric behind existing rip-rap, and install gutters to direct stormwater runoff from surface waters and therefore meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I

2005-00091 GALE, WILLIAM
MEREDITH Lake Winnepesaukee

Requested Action:

Remove 9 sq ft of the footprint within the 50 ft setback by reconfiguring the footprint of the existing house 38 ft from the reference line, and increase the ridgeline height from 19 ft to 30 ft.

APPROVE CSPA WAIVER:

Remove 9 sq ft of the footprint within the 50 ft setback by reconfiguring the footprint of the existing house 38 ft from the reference line, and increase the ridgeline height from 19 ft to 30 ft.

With Conditions:

1. All work shall be conducted in accordance with application as received by the department on January 13, 2005 and plans received January 14, 2005.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the recorded waiver is sent to the department.
3. This approval does not allow further encroachment toward the reference line.

4. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
5. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
6. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
7. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
8. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. The existing non-conforming residence is located within the 50 ft primary building setback to Lake Winnepesaukee and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
3. The applicant has proposed to decrease the square footage by 9 sq ft within the 50 ft primary building setback and therefore meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.
4. In accordance with plans, the expansion of the footprint from 1000 sq ft to 1736 sq ft shall not be within the 50 ft primary building setback.

2005-00125 BYRNE DEVELOPMENT LLC
ALTON BAY Merrymeeting River

Requested Action:

Remove an existing septic system and replace with a new improved septic system 90 ft setback from the reference line.

APPROVE CSPA WAIVER:

Remove an existing septic system and replace with a new improved septic system 90 ft setback from the reference line.

With Conditions:

1. All work shall be conducted in accordance with plans by Gelinas Site Design, dated December 10, 2004 and received by the department on January 19, 2005.
2. This variance shall not be effective until it has been recorded at the appropriate county registry of deeds office by the Permittee. A copy of the registered approval shall be submitted to the DES Wetlands Bureau prior to construction.
3. A copy of this variance shall be posted in a prominent location on site during construction, visible to inspecting personnel.
4. This variance does not convey a property right, nor authorize any injury to property of others, nor invasion of rights of others.
5. This variance is contingent upon approval of the septic system by the DES Subsurface Bureau.
6. This variance does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
7. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. The septic system is proposed to be installed within the septic setback to Merrymeeting River in Alton Bay and therefore fails to conform to a minimum standard set forth in RSA 483-B:9, V of the Comprehensive Shoreland Protection Act.
2. In accordance with RSA 483-B:9, V(g), "the commissioner shall have the authority to grant variances from the minimum standards of this section. Such authority shall be exercised subject to the criteria which govern the grant of a variance by a zoning board of adjustment under RSA 674:33, I(b)."
3. A special condition of the land coupled with the septic setback would prohibit the property owner from replacing the existing septic holding tank with a new improved septic system.
4. The installation of a new improved septic system will better protect the public waterbody and therefore be consistent with the intents of the statute.
5. The proposed project will not injure the public or private rights of others.
6. Granting the variance will be consistent with the public interest as the existing septic system is outdated and a potential health hazard.
7. Granting the variance will do substantial

2005-00127 WRIGHT, ERIC
LACONIA Lake Winnepesaukee

Requested Action:

Improve the stormwater runoff by vegetating the frontage between the existing 76 linear ft of retaining wall and proposed primary building and install crushed drip stone below the eaves of the nonconforming structure currently 32.3 ft from the reference line to increase the ridgeline height 22.7 ft from 10.3 ft to 32 ft and increase the square footage 271 sq ft from 456.8 sq ft to 728 sq ft adjacent to Lake Winnepesaukee.

APPROVE CSPA WAIVER:

Improve the stormwater runoff by vegetating the frontage between the existing 76 linear ft of retaining wall and proposed primary building and install crushed drip stone below the eaves of the nonconforming structure currently 32.3 ft from the reference line to increase the ridgeline height 22.7 ft from 10.3 ft to 32 ft and increase the square footage 271 sq ft from 456.8 sq ft to 728 sq ft adjacent to Lake Winnepesaukee.

With Conditions:

1. All work shall be conducted in accordance with plans and native vegetation plans as received by the department on January 18, 2005.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the recorded waiver is sent to the department.
3. Vegetative plan shall be implemented prior to interior construction or as soon as practicable when outside conditions permit.
4. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
5. This approval does not allow further encroachment within the primary building line and reference line and shall not exceed the existing 32.3 ft setback.
6. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
8. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
9. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. The existing non-conforming residence is located within the 50 ft primary building setback to Lake Winnepesaukee and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
3. The applicant has proposed to improve the stormwater treatment on the property by planting native species around the proposed primary building and behind the retaining wall, and install crushed drip stone below the eaves to control erosion, and therefore meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11.

2005-00129 GRAY, JR., RUSSELL
MEREDITH Lake Pemigewasset

Requested Action:

Improve the wastewater treatment on the property by removing existing septic system and install a new and improved septic system to upgrade structure for year round use capabilities and construct a 100 sq ft addition to the existing nonconforming structure currently 9 ft from the reference line on Lake Pemigewasset.

APPROVE CSPA WAIVER:

Improve the wastewater treatment on the property by removing existing septic system and install a new and improved septic system to upgrade structure for year round use capabilities and construct a 100 sq ft addition to the existing nonconforming structure currently 9 ft from the reference line on Lake Pemigewasset.

With Conditions:

1. All work shall be conducted in accordance with plans as received by the department on January 20, 2005.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the recorded waiver is sent to the department.
3. The new septic system shall be completed and in service prior to the addition's interior construction.
4. This approval does not allow lakeward expansion of the primary structure.
5. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
6. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
8. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
9. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. The existing non-conforming residence is located within the 50 ft primary building setback to Lake Pemigewasset and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal

for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."

3. The applicant has proposed to improve the wastewater treatment on the property by removing the existing septic system and replacing it with a new and improved septic system with a leach field and therefore meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I & II.

4. Subsurface has approved the system for the property on November 16, 2004, in accordance with approval number CA200406789.

PERMIT BY NOTIFICATION

2005-00211 DABICA, NICOLA AND LINDA
ALTON Lake Winnepesaukee

Requested Action:

PBN#11, Reset rocks displaced by ice damage that support existing boathouse on Lake Winnepesaukee with 158 feet of shoreline frontage.

Conservation Commission/Staff Comments:

The Alton Conservation Commission signed the PBN.

PBN IS COMPLETE:

PBN#11, Reset rocks displaced by ice damage that support existing boathouse on Lake Winnepesaukee with 158 feet of shoreline frontage.